

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2012 Legislative Session

Bill No. CB-24-2012

Chapter No. 28

Proposed and Presented by Council Member Patterson

Introduced by Council Members Patterson, Harrison, Davis, Franklin, Lehman,
Olson and Toles

Date of Introduction June 19, 2012

BILL

1 AN ACT concerning

2 The Public Housing and Senior Citizen Housing Smoking Ban

3 For the purpose of restricting smoking inside of public housing and senior citizen housing.

4 BY adding:

5 SUBTITLE 19. POLLUTION.

6 Sections 19-140, 19-141, 19-142 and 19-143

7 The Prince George's County Code

8 (2011 Edition).

9 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
10 Maryland, that Sections 19-140, 19-141, 19-142 and 19-143 of the Prince George's County Code
11 be and the same are hereby added:

12 **SUBTITLE 19. POLLUTION.**

13 **DIVISION 4. SMOKING IN PUBLIC HOUSING AND SENIOR CITIZEN HOUSING.**

14 **Sec. 19-140. Definitions.**

15 (a) Public Housing shall mean any housing in Prince George's County that is:

16 (1) under the jurisdiction of the Housing Authority of Prince George's County as a
17 public housing authority as designated by HUD.

18 (b) Senior Citizen Housing shall mean any congregate housing that:

19 (1) provides housing under a landlord-tenant arrangement; and

20 (2) is specifically designed to meet the physical or social needs of elderly individuals;

21 and;

1 (3) is under the jurisdiction of the Housing Authority of Prince George’s County as a
 2 public housing authority as designated by HUD.

3 (c) Smoking or to smoke shall mean the act of smoking or carrying a lighted or smoldering
 4 cigar, cigarette, cigarillo, or pipe or lighting a cigar, cigarette, cigarillo, or pipe of any kind.

5 **Sec. 19-141. Smoking prohibited.**

6 (a) It shall be unlawful for any person to smoke on the inside of any public housing or
 7 senior citizen housing.

8 (b) Smoking is not prohibited by this Section in a private home or apartment whose
 9 inhabitants:

10 (1) Participate in the Prince George’s County Department of Housing and
 11 Community Development HOME Investment Partnerships Program (“HOME Program”); or

12 (2) Participate in the Section 8 Housing Choice Voucher program.

13 **Sec. 19-142. Posting signs.**

14 (a) Signs prohibiting smoking shall be displayed conspicuously by the owner or the person
 15 having control of the public housing or senior citizen housing at each entrance to the premises.

16 The signs shall contain symbols or language that smoking is prohibited.

17 **Sec. 19-143. Enforcement and penalties.**

18 (a) The owner or person in control of any public housing or senior citizen housing where
 19 smoking is prohibited by this Division must ask the individual who is smoking to cease.

20 SECTION 2. BE IT FURTHER ENACTED that within 120 days of the effective date of
 21 this Act, the Housing Authority of Prince George’s County shall establish the administrative
 22 procedures for the enforcement of the provisions authorized by this Act.

23 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 24 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 25 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 26 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 27 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
 28 Act, since the same would have been enacted without the incorporation in this Act of any such
 29 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

30 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
 31 calendar days after it becomes law.

Adopted this 24th day of July, 2012.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Andrea C. Harrison
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.